

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

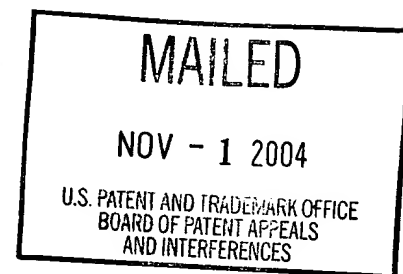
Paper No. 39

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CONRAD O. GARDNER

Appeal No. 2004-2225
Application 08/896,514



ORDER VACATING ORAL HEARING AND
ORDER FORWARDING APPLICATION TO THE OFFICE OF PETITIONS

The Oral Hearing scheduled for November 17, 2004, at 1:00 p.m., Madison Bldg (East Wing), 600 Dulany Street, Alexandria, VA 22313, has been vacated without prejudice.

On September 7, 2004, the Applicant filed a Second Petition under 35 U.S.C. 182[sic] regarding Withdrawal of the Terminal Disclaimer filed July 3, 2000, (Paper No. 39). The Petition has now been matched with this application at the Board of Patent Appeals and Interferences. The Petition needs to be considered by the Office of Petitions as to whether the Terminal Disclaimer,

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bearing the signature date of June 28, 2000, may or may not be subject to withdrawal.


Accordingly, it is

ORDERED that the application is to be forwarded to the Office of Petitions for consideration of the Petition, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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